

REMARKS

Claims 1, 2, 6, 7, 9 and 13-15 are currently pending. Claims 1 and 7 are amended. Claims 3, 4, 5, 8, 10, 11 and 12 are cancelled. Reconsideration of the claims is respectfully requested in view of the following remarks.

Rejections under 35 U.S.C. §102(b)

Gebauer '040

Claims 1, 4/1, and 6/1 are rejected under 35 U.S.C. §102(b) as being anticipated by Gebauer '040 (US Patent 5,741,040). However, the cited prior art does not anticipate all the features recited in the present claimed invention, as amended.

For instance, amended claims 1 and 7 recite “wherein said first supporting member is supported on said second supporting member with a guide means arranged therebetween in such a manner as to allow linear movement of said first supporting member relative to said second supporting member and is biased by said elastic member in such a direction that said first supporting member approaches said movable body.” This feature (previously recited in claim 4) is shown, for example, in Figs. 1 and 2 of the present application, wherein the inner frame (first supporting member) 11 is biased by the coil springs 21, 22, 23 to move linearly along the guide pins 16, 19, 20.

Gebauer '040 does not disclose at least this feature. The rocker arm 60 in Gebauer '040 is not linearly movable because it is rotatably supported by the pivot shaft 68 between the frame legs 64 and 66. The pivoting of the rocker arm 60 of Gebauer '040 does not constitute the

“linear” movement as detailed in amended claim 1. For at least these reasons, the present claimed invention patentably distinguishes over Gebauer ‘040.

Gebauer ‘053

Claims 1, and 6/1 are rejected under 35 U.S.C. §102(b) as being anticipated by Gebauer ‘053 (US Patent 5,498,053). Claim 1 is amended to incorporate the subject matter of claim 4 (not rejected over Gebauer ‘053). Therefore, amended claim 1 patentably distinguishes over Gebauer ‘053.

Ozawa

Claims 1, 4/1, 6/1, 7, 11/7, and 13/7 are rejected under 35 U.S.C. §102(b) as being anticipated by Ozawa (JP 11-94455). Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ozawa in view of Sekerich (US Patent 4,077,677). Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ozawa. However, it is submitted that the cited prior art does not anticipate nor render obvious all the features recited in the present claimed invention of amended claims 1 and 7.

For instance, Ozawa fails to disclose the feature “wherein said first supporting member is supported on said second supporting member with a guide means arranged therebetween in such a manner as to allow linear movement of said first supporting member relative to said second supporting member and is biased by said elastic member in such a direction that said first supporting member approaches said movable body.”

In Ozawa, the driving device 21 is attached to the refrigerator 1 by the latching part 27 of the case body 25 latching together the hook part 31 of each coil spring 26, and by hooking the hooking part 32 on the fixing wheel part 5b of the divider. On the other hand, in the invention of the present application, the movable body driving device is attachable only by engaging the rotary member of the driving mechanism with said movable body with predetermined force using elastic force of said elastic member and fixing the second supporting member to a fixed side. That is, in Ozawa, the driving mechanism is not composed of the first supporting member, the second supporting member and the elastic member integrally. For at least these reasons, the present claimed invention patentably distinguishes over Ozawa, either alone or in combination with other cited references.

Carbary

Claims 1, 4/1, 6/1, 7, 11/7, and 13/7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Carbary (US Patent 2,668,092) in view of Gebauer '053. Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Carbary and Gebauer '053 and further in view of Sekerich (US Patent 4,077,677). Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Carbary and Gebauer '053 and further in view of Hamilton (US Patent 583,228). However, it is submitted that the cited prior art does not disclose nor render obvious all the features recited in the present claimed invention of amended claims 1 and 7.

In Carbary, the driving mechanism fails to disclose the feature “wherein said first supporting member is supported on said second supporting member with a guide means arranged therebetween in such a manner as to allow linear movement of said first supporting member

relative to said second supporting member and is biased by said elastic member in such a direction that said first supporting member approaches said movable body.” Moreover, Carbary fails to disclose the feature “a rotary member rotatably supported on a first supporting member, a driving means for rotating said rotary member.” Also, the driving mechanism of Carbary is not composed of the first supporting member, the second supporting member and the elastic member integrally. For at least these reasons, the present claimed invention patentably distinguishes over Carbary and the other cited references.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No. 10/587,896
Attorney Docket No. 062710

Amendment under 37 C.F.R. §1.111

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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